

**REMARKS**

Claims 1 – 31 remain in the application and stand rejected. Claims 1 and 9 are amended herein. No new matter is added. This Amendment is being filed with an authorization to charge Deposit Account No. 19-2179 for the appropriate fee for an extension of time. The Commissioner is further authorized to charge any fees that may be required for this paper or credit any overpayment to Deposit Account No. 19-2179.

The specification is amended for grammar. No new matter is added.

Claim 1 is amended to include the recitation of the “means for conducting a formal review” element deleted from claim 9. Further, claim 1 is amended to recite that prepared documents are “independently reviewable by reviewers in said interactive collaborative review,” which is neither taught nor suggested by any reference of record. No new matter is added.

Claims 1 – 16 and 18 – 30 are rejected under 35 U.S.C. §102(b) over “ICICLE: Groupware for Code Inspection” by Brothers et al. Claims 17 and 31 are rejected under 35 U.S.C. §103(a) over Brothers et al. in view of U.S. Patent No. 6,199,193 to Oyagi et al. The rejection is respectfully traversed.

It is asserted that Brothers et al. teaches the present invention, referring to the Abstract on page 169 to teach a “review facility for providing a document for collaborative review by a plurality of reviewers and collecting comments from reviewers, said review facility comprising” as the preamble of claim 1 recites. Specifically, the Office action relies on Brothers et al. page 173 to teach the preparation step (a) of claim 10 and “preparation means for preparing a document for interactive review;” as the claim 1 further recites. Brothers et al. page 174 is relied upon to teach the step (b) of making documents available for review of claim 10 and both “means for collecting comments on blocks of text” and “means for distributing collected said comments” recited by claim 1. In particular, Brothers et al. page 174 is also relied upon to teach the formal review step (c) of claim 10 and the deleted recitation of claim 9, now recited by amended claim 1, of “means for conducting a formal review, said formal review considering collected comments provided by said reviewers participating in said formal review and previously distributed to said reviewers by said means for distributing collected comments.”

Claims 19 and 27 are summarily disposed of by reference to claims 1 and 10.

Brothers et al. provides that

Out of the several phases of code inspection, the most difficult and time consuming are:

**Comment Preparation.** Code inspectors individually analyze the module to be inspected, looking for coding errors, portability problems, violation of coding standards, etc.

**Code Inspection Meeting.** The inspectors (and the author of the code) meet to discuss and record comments prepared. Additionally, the status of the module is resolved vis-à-vis the need for reinspection, and various metrics and statistics regarding the code and the the code inspection process are recorded.

Page 170 (emphasis original). Moreover, Brothers et al. specifically provides that “in this paper (Brothers et al.) we are primarily concerned with the conduct of the code inspection meeting, as the comment preparation phase does not employ groupware.” Page 171. Consequently, “the ICICLE code inspection meeting is currently intended to occur **in one room with all the inspectors facing one another** close enough together for easy conversation..., just as in ordinary code inspections.” Page 173 (emphasis added). If not being held in one room, Brothers et al. explores a potential conference call code inspection meeting, i.e., using “ISDN for permitting ‘code inspection meetings at a distance.’ Such meetings require at a minimum voice and data links, and video may be desirable as well.” *Id.*

These code inspection meetings are also described in the present application at page 1, line 22 – page 2, line 2. Furthermore, the application specifically provides that “after the collaborative interactive review step 104, a more traditional formal review meeting is held in step 106.” Page 7, lines 4 – 5. Moreover, the “actual code inspection meeting of step 106 need only focus on comments already provided as discussion points. This greatly reduces the actual meeting time for the inspection meeting because most of the reviewers have already reviewed the code and so, most of the code does not require additional consideration.” *Id.*, lines 15 – 19. Claims 1 and 19 both respectively recite means for and, program product means for, conducting this “formal review” or “code inspection meeting.” Likewise, each of claims 10 and 27 includes a “formal review” or “code inspection meeting” as an individual step (c) or (d).

So, while a Brothers et al. code inspection meeting system (whether all participants were cloistered in one room facing each other or ISDNed together in a videoconference code meeting (*Supra*)) could be considered means for/program product means for or, steps of, conducting “formal review” as recited in claims 1, 10, 19 and 27; teaching this one formal review/code

inspection meeting element falls far short of teaching a “review facility for providing a document for collaborative review by a plurality of reviewers and collecting comments from reviewers” as recited by claim 1, a method of reviewing documents as recited in claim 10 or, a program product for doing either as recited in claims 19 and 27. Therefore, the Brothers et al. fails to teach the present invention and the Brothers et al. code inspection meeting system does not anticipate the present invention as recited in claims 1, 10, 19 and 27.

Furthermore, since dependent claims include all of the differences with the prior art as the claims from which they depend, claims 2 – 9, 11 – 16, 18, 20 – 26 and 28 – 30, which depend from claims 1, 10, 19 and 27, respectively, are patentable over Brothers et al. Reconsideration and withdrawal of the rejection of claims 1 – 16 and 18 – 30 under 35 U.S.C. §102(b) is respectfully requested.

Regarding the rejection of claims 17 and 31 under 35 U.S.C. §103(a), it is asserted that “while Brothers discloses a desire for implementing an ISDN based ‘Tele’-ICICLE, Brothers does not explicitly disclose the documents being stored in a central repository and selecting said documents comprises connecting over the Internet to said central repository and accessing said documents.” So, Oyagi et al. is relied upon to teach a “software review system the use of a central repository and the selection of information over the Internet as claimed”. Thus, it is asserted that it would have been obvious “to modify the review system of Brothers with the Internet-based review capability of Oyagi, as this would allow **code inspection meetings** to take place over distances, as suggested by Brothers on page 173.” (emphasis added.)

As noted hereinabove with reference to the rejection of claims 10 and 27 from which claims 17 and 31 depend, code inspection meetings are only the last step of the present invention as recited by claims 17 and 31. Regardless of whether one would be inclined “to modify the review system of Brothers with the Internet-based review capability of Oyagi,” the result is still not the present invention as recited in claims 10 and 27, much less as recited in claims 17 and 31. Therefore, the present invention, as recited in claims 17 and 31, is not obvious over the combination of Brothers et al. with Oyagi et al. Reconsideration and withdrawal of the rejection of claims 17 and 31 under 35 U.S.C. §103(a) over Brothers et al. in view of Oyagi et al. is respectfully requested.

The applicant has considered the other references cited but not relied upon in this rejection and find them to be no more relevant than the references upon which the rejection is based.

The applicant thanks the Examiner for efforts, both past and present, in examining the application. Believing the application to be in condition for allowance, both for the amendment to the claims and for the reasons set forth above, the applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 1 – 31 under 35 U.S.C. §§102(b) and 103(a) and allow the application to issue.

The applicant notes that MPEP §706 “Rejection of Claims,” subsection III, “PATENTABLE SUBJECT MATTER DISCLOSED BUT NOT CLAIMED” provides in pertinent part that

If **the examiner** is satisfied after the search has been completed that patentable subject matter has been disclosed and the record indicates that the applicant intends to claim such subject matter, he or she **may note** in the Office action that **certain aspects or features** of the patentable invention have not been claimed and that if properly claimed such claims **may be given favorable consideration**. (emphasis added.)

The applicant believes that the written description of the present application is quite different than and not suggest by any reference of record. Accordingly, should the Examiner believe anything further may be required, the Examiner is requested to contact the undersigned attorney at the telephone number listed below for a telephonic or personal interview to discuss any other changes.

Respectfully submitted,

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(Date)

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